

From: [Weil, Jack \(EOIR\)](#)
To: [All of Judges \(EOIR\)](#); [All of Court Administrators \(EOIR\)](#)
Cc: [Kuschel, Mark \(EOIR\)](#); [Ortiz-Ang, Susana \(EOIR\)](#); [Manna, Karen \(EOIR\)](#); [Perron, Raymond \(EOIR\)](#); [Evans, Brianna \(EOIR\)](#); [Baptista, Christina \(EOIR\)](#)
Subject: New POC for Submission of Referrals for Forensic Competence Examinations & Reports
Date: Wednesday, May 02, 2018 12:32:33 PM

Dear Judges and Court Administrators,

In courts where EOIR's "*Nationwide Policy to Provide Enhanced Procedural Protections to Unrepresented Detained Aliens with Serious Mental Disorders or Conditions*" has been implemented and courts covered by the order of the U.S. District Court in *Franco-Gonzalez v. Holder* (i.e., AZ, CA, WA), an Immigration Judge may refer a case to an EOIR contracted psychologist or psychiatrist for a forensic competence examination and report. These referrals provide information and evidence to assist the judge in determining whether the respondent is competent to represent himself/herself in specified immigration proceedings.

Forensic Competence Examination (FCE) referrals are only available to detained unrepresented respondents with mental disorders in courts covered by the Franco order or where the Nationwide Policy has been implemented.

Previously FCE referrals packets (including one .pdf of the FCE referral form and a second .pdf containing the collateral documentation) were submitted to Assistant Chief Immigration Judge Jack H. Weil at jack.weil@usdoj.gov.

Effective immediately all forensic competence examination (FCE) referral packets should be submitted to Mark Kuschel, Chief of the OCIJ Organizational Result Unit, at mark.kuschel@usdoj.gov.

As Mr. Kuschel, has taken full responsibility for processing FCE referrals, there is no need to cc: ACIJ Weil on future FCE referrals.

Please share this information with your administrative support staff assigned to process FCE referrals for your court.

Finally, I will remain available as a resource if you have questions regarding the legal determination of competence or regarding appropriate safeguards and protections or you may contact your ACIJ. I will also be on a panel at the legal conference in June on the topic of mental competence, please feel free to email me with any questions or topics you would like to be addressed at the conference.

Thank you and best regards,
Jack

Jack H. Weil,
Assistant Chief Immigration Judge

